THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.27167 OF 2003

DATED: 11-7-2007

Between:

G. Simhaiah

.. Petitioner

and

The District Panchayat Officer, Mahaboobnagar, Mahaboobnagar District and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.27167 OF 2003

ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings No.A3/96/2002, dated 16.09.2003, issued by the 1st respondent, as arbitrary and illegal.

According to the petitioner, he is the owner of house property bearing No.1-46 situated at Atchampet, Mahaboobnagar District. Originally, he constructed a hall in an area of 921 Sq.Yards and named it as 'Satya Sai Function Hall'. Thereafter, he, being a devotee of Sri Satya Sai Baba, gifted the said property in favour of Sri Satya Sai Charitable Trust (for short 'the Trust') with a condition that the Trust has to perform pooja and other related activities in the said premises. However, the Chairman and members of the Trust have not performed their duties and obligations properly and they started misusing the premises for other purposes. As such, on 19.5.2000, he got the deed of gift, executed in favour of the Trust, revoked in the Sub-Registrar's office, Atchampet, and informed the same to the Gram Panchayat for the purpose of effecting necessary entries in the Gram Panchayat records. Aggrieved by the same, the 2nd respondent preferred an appeal before the 1st respondent- District Panchayat Officer, Mahaboobnagar, who allowed the same, by an order dated 16.09.2003, directing the 3rd respondent – Gram Panchayat to change the name in the records pertaining to H.No.1-46 as 'Sri Satya Sai

Charitable Trust'. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioner contended that the impugned order, dated 16.09.2003, is arbitrary and illegal and the 1st respondent has no jurisdiction to pass the impugned order deciding the validity of the gift deed executed by the petitioner in favour of the Trust and the revocation of the same. It is either for a competent Civil Court or for competent authority to decide such aspects.

On the other hand, the learned counsel for the respondents stated that in spite of several notices issued, the petitioner did not respond and also did not produce any document showing that the gift deed executed in favour of the Trust has been cancelled or revoked. The writ petition is devoid of merits and is liable to be dismissed.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side. Perused the impugned order and other material made available on record.

A perusal of the impugned order would clearly indicate that the 1st respondent has exceeded his jurisdiction in deciding the validity and existence of a registered gift deed. The 1st respondent observed in the said order that the person, who executes a registered deed, cannot revoke the same unless there is a clause in the said deed regarding the revocation and, since there was no such clause in the gift deed, the petitioner has no right to cancel the same and, accordingly, he allowed the appeal directing the Secretary, Gram Panchayat to change the name in the records pertaining to H.No.1-46 as 'Sri Satya Sai Charitable Trust'.

May be the 1st respondent- District Panchayat Officer has

exceeded his limits in making certain observations, but, the fact remains that the petitioner has not produced any documents showing that the gift deed executed by him in favour of the Trust was cancelled or revoked in due course. Under these circumstances, the order passed by the 1st respondent cannot be said to be either arbitrary or illegal. The writ petition is devoid of merits and is liable to be dismissed.

The writ petition is, accordingly, dismissed. No costs. However, it is always open for the petitioner to work out his remedies as available under the law by approaching the competent Civil Court or other competent authority under the law.

C.V. RAMULU, J

11th July, 2007.
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